



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/974,621	11/19/97	NISHI	T 07977/202001

MMC1/0929

SCOTT C HARRIS
FISH & RICHARDSON
4225 EXECUTIVE SQUARE
SYE 1400
LA JOLLA CA 92037

EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 09/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/974,621

Applicant(s)
Nishi

Examiner
Dung Nguyen

Group Art Unit
2871



☒ Responsive to communication(s) filed on Aug 15, 2000.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 and 11-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 12-17, and 19-26 is/are rejected.

☒ Claim(s) 11 and 18 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2871

A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/15/2000 has been entered.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "layers of a light reflective film having a porous surface" must be shown or the feature cancelled from the claims. No new matter should be entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 12-17 and newly added claims 19-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US Patent No. 5,805,252 , in view of Yoshihiro, US Patent No. 5,550,658 , as stated in the final office action.

Art Unit: 2871

Although claims 1, 8, 14 is now amended, such amendment and the newly added claims 19-26 are not sufficient to overcome its rejection in the previous office action.

Applicant contents that “none of the cited art teaches or suggests a light reflective film having a porous surface” (amendment, page 8). The examiner is not convinced by this argument since the same is true of the Shimada et al. (US 5,805,252) reference . The feature thereof “the porous surface of the light reflective film” is understood as the surface having or full of pores, thus the broadest reasonable interpretation the term “the porous surface” is an unevenly surface as shown in figures 1-3 as well as in the prior art (figure 5). In this aspect, the surface of the light reflective film with the porous surface (i.e, between bumps) as described in the device taught by Shimada et al. meet the requirement. Additionally, Applicant, again, is directed to figure 14 which discloses the light reflective film (38a) forming on the pixel electrode (38).

Regarding all dependent claims 2-7, 12, 13, 15-17, 20-22 and 24-26, as discussed above, the rejection of claims 1, 8, 14 and 19-26 stand. Therefore, the rejection of the above claims stand.

Therefore, the limitation of claims 1-8, 12-17 and newly added claims 19-26 are met.

Allowable Subject Matter

4. Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2871


Conclusion

5. Applicant's arguments filed 08/15/2000 have been fully considered but they are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7726.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
09/26/2000


William L. Sikes
Supervisory Patent Examiner
Group 2871